

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

IN RE: CAPITAL ONE CONSUMER)	
DATA SECURITY BREACH LITIGATION)	MDL No. 1:19md2915 (AJT/JFA)
)	

ORDER

This matter is currently before the Court on Plaintiffs' Motion to File Under Seal. (Dkt. No. 2155.) The Motion to Seal was filed on November 29, 2021, along with a Notice of Filing under Seal. A memorandum in support of the Motion to File Under Seal was also filed with the Motion to File Under Seal, indicating that certain materials were being filed under seal that were designated as confidential under the provisions of the Amended Stipulated Protective Order (See Dkt. No. 368.)


BUT PLAINTIFFS OBJECTED TO
THESE MATERIALS BEING FILED
UNDER SEAL

On December 6, 2021, Defendants Capital One Financial Corporation, Capital One Bank (USA), N.A., and Capital One, N.A. (collectively, "Capital One") filed a Response in Support of the Motion to Seal ("Response"). (See Dkt. No. 2167). In the Response, Capital One stated that the third line of the excerpt in the body of the text on page 9 ("Excerpt") to Response in Support of Plaintiffs' Motion to File Under Seal [Dkt. No. 2155] filed in conjunction with their Rule 72(a) Objections to Order Denying Plaintiffs' Motion to Compel Discovery Regarding Capital One's Statute of Limitations and Terms & Conditions Defenses ("Memorandum") [Dkt. No. 2159] should remain under seal or be filed under seal because they include information designated by Capital One as confidential pursuant to the Amended Stipulated Protective Order. No other response or objection to sealing the materials has been filed, and the time for doing so has expired.

Having reviewed the Excerpt, pursuant to the Amended Stipulated Protective Order and Local Civil Rule 5(C), and upon consideration of the pleadings filed herein and the applicable standards as set forth by the Fourth Circuit in *Va. Dep't of State Police v. Washington Post*, 386 F.3d 567 (4th Cir. 2004), the Court finds that ^{CAPIMCOUNS} ~~the parties have~~ shown a sufficient basis for sealing certain information redacted in Plaintiffs' Memorandum at this time. **By granting this motion to seal, the undersigned is not making a determination that this information will remain under seal and will not be disclosed to the public during any summary judgment proceedings or at the trial before the District Judge.**

For the reasons stated above, the Motion to File Under Seal is **GRANTED**; and it is further ^{IN PART} **ORDERED** that the third line of the Excerpt in the body of the text on page 9 of the Memorandum [Dkt. No. 2159] shall be maintained under seal. ^{PLAINTIFFS MAY FILE A REVISED VERSION OF THEIR MOTION WITH ONLY THE REDACTION ON PAGE 9 AS DESCRIBED BY CAPIMCOUNS IN THE PUBLIC RECORD.}

Entered this 7th day of December 2021.

/s/ 
John F. Anderson
United States Magistrate Judge